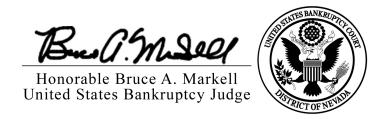
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6 7 Sallie B. Armstrong, Esq., State Bar No. 1423 DOWNEY BRAND LLP 8 100 W. Liberty Street, Suite 900 Reno, NV 89501 9 775/329-5900 Office 775/997-7410 Direct 10 775/997-7411 Fax 775/742-0708 Cell 11 Email: sarmstrong@downeybrand.com 12 James V. Hoeffner, Esq., Admitted Pro Hac Vice Frank R. Monroe, Esq., Admitted Pro Hac Vice 13 GRAVES DOUGHERTY HEARON & MOODY 401 Congress Ave., Suite 2200 14 Austin, TX 78701 15 512/480-5600 Office 512/480-5707 Direct 16 512/480-5886 Fax Email: jhoeffner@gdhm.com 17 Email: fmonroe@gdhm.com 18 Counsel for Creditor Denly Utah Coal, LLC 19 UNITED STATES BANKRUPTCY COURT 20 DISTRICT OF NEVADA 21 In Re: Chapter 11 22 AMERICA WEST RESOURCES, INC., et al, Jointly Administered Under 23 Case No. BK – 13-10865 bam Debtors. 24 **ORDER DISMISSING CASES** 25 On June 30, 2013, this Court's Order to Show Cause as to Why Case Should Not be

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Converted to a Chapter 7 Case or Dismissed [Dkt. No. 280] (the "Show Cause Order") came on to be heard. The Court finds that proper notice of the Show Cause Order and the hearing thereon

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was provided to the appropriate parties in interest. After considering the pleadings, the evidence and the argument of counsel, the Court finds that this case should be dismissed effective June 27, 2013 if this Court's order otherwise becomes effective within ten days after entry.

Accordingly, the Court incorporates its findings of facts and conclusions of law which it orally placed upon the record pursuant to Bankruptcy Rule 7052, and enters its Order as follows:

IT IS THEREFORE ORDERED that subject to the next paragraph, that this case, consisting of the Bankruptcy proceedings of America West Resources, Inc., Hidden Splendor Resources, Inc., America West Marketing, Inc. and America West Services, Inc. is hereby DISMISSED.

IT IS FURTHER ORDERED that notwithstanding the above dismissal, that this Court retains jurisdiction for the purposes of addressing the employment of Illyssa Fogel and determining the amounts owing, if any, on account of any allowable fees of Illyssa Fogel.

IT IS FURTHER ORDERED that the following monies presently being held in the IOLTA trust account of Graves Dougherty Hearon & Moody, P.C. ("GDHM") shall be paid from the Debtors' equipment sale proceeds in the amount of \$1,250,000 on the earlier of this Order becoming final or, for professional fees, the orders approving such fees becoming final:

(a.)	Flaster/Greenberg	\$ <u>252,482.74</u>
(b.)	CFCC Partners, LLC	\$ <u>164,899.11</u>
(c.)	Ambrish S. Sidhu	\$ 16,691.99
(1)	A LICT ( E D	

(d.) Any US Trustee Fees Due

(d.) Denly Utah Coal, LLC \$\\\ \\$815,926.16 \text{ or any lesser remainder amount in the GDHM IOLTA account}

IT IS FURTHER ORDERED that after each amount is paid to the respective party named above, that GDHM shall be released as a bailee to such party for the sum paid and that upon all monies being properly distributed as set out above, that GDHM will be completely released as a bailee for the \$1,250,000 sum so deposited.

IT IS SO ORDERED.

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1	PREPARED AND SUBMITTED:	
2	DOWNEY BRAND, LLP	
3	By: /s/ Sallie B. Armstrong	
4	Sallie B. Armstrong, Esq., Bar No. 1423 100 W. Liberty Street, Suite 900	
5	Reno, NV 89501 Attorney for Denly Utah Coal, LLC	
6		
7	GRAVES DOUGHERTY HEARON & MOODY, PC	
8	By: /s/ James V. Hoeffner James V. Hoeffner, Esq., Admitted Pro Hac Vice	
9	401 Congress Ave., Suite 2200 Austin, TX 78701	
10	ATTORNEY FOR DENLY UTAH COAL, LLC	
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1	In accordance with LR 9021, counsel submitting this document certifies as follows (check one):	
2	☐ The court has waived the requirements set forth in LR 9021.	
3	This is a Chapter 7 or 13 case, and either with the motion, or at the hearing, I have the following the same of this property of the large of the la	
4 5	delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case,	
6	and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document).	
7	This is a Chapter 9, 11, or 15 case, and I have delivered a copy of this proposed	
8	order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party	
9	has approved, disapproved, or failed to respond to the document):	
10	Flaster/Greenberg PC (Debtors' Counsel): <b>Approved</b> Rollin G. Thorley, Esq: <b>Approved</b>	
11 12	Counsel for Alexander Walker: <b>Approved</b> Illyssa Fogel (Prior Debtors' Local Counsel): <b>Approved</b> Ryan A. Anderson: <b>Approved</b>	
13	Ryan A. Anderson. Approved	
14	☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.	
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